

James R. Johnston
W. Brendan Murphy
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
(206) 359-8000

Attorneys for Defendant
National Association of State Foresters

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 03 2004

JAMES R. LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KATHIE FITZPATRICK, individually
and as personal representative of the
Estate of Karen L. Fitzpatrick; RICK
JOHNSON, individually, and JODY
GRAY, individually and as personal
representative of the Estate of Jessica
Johnson; and JOHN C. DOE 1-10,

Plaintiffs,

v.

ANCHOR INDUSTRIES, INC., an
Indiana business entity; WECKWORTH
MANUFACTURING, INC., a Kansas
business entity; WECKWORTH-
LANGDON, a Kansas business entity;
INTERNATIONAL CASES AND
MFG., a California business entity;
SILTON CO., a California business
entity; NATIONAL ASSOCIATION OF
STATE FORESTERS, a national
association; and JOHN DOES 1-10,

Defendants.

NO.

NOTICE OF REMOVAL OF
DEFENDANT NATIONAL
ASSOCIATION OF STATE
FORESTERS

NOTICE OF REMOVAL
BY NASF- 1

ORIGINAL

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

1 TO: KATHIE FITZPATRICK, RICK JOHNSON, JODY GRAY,
2 and JOHN C. DOES 1-10, Plaintiffs, and
3 JOHN R. CONNELLY and LINCOLN BEAUREGARD
4 GORDON, THOMAS, HONEYWELL, MALANCA, PETERSON &
5 DAHEIM LLP, and
6 MARIANO MORALES, JR.
7 LAW OFFICES OF MARIANO MORALES, JR.
8 Plaintiffs' Attorneys of Record
9

10 PLEASE TAKE NOTICE that defendant National Association of State
11 Foresters ("NASF") hereby submits notice of removal of this action from the
12 Yakima County Superior Court to the United States District Court for the Eastern
13 District of Washington.
14
15
16

17 I. FACTUAL SUMMARY

18
19 On October 5, 2004, NASF was served with the Complaint for Damages –
20 Wrongful Death ("Complaint") in a case filed by Plaintiffs KATHIE
21 FITZPATRICK, RICK JOHNSON, JODY GRAY, and JOHN C. DOES 1-10 in
22 the Superior Court of the State of Washington for Yakima County. ANCHOR
23 INDUSTRIES, INC., WECKWORTH MANUFACTURING, INC.,
24 WECKWORTH-LANGDON, INTERNATIONAL CASES AND MFG., SILTON
25 COMPANY, and NATIONAL ASSOCIATION OF STATE FORESTERS are
26 named as defendants in this action.
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35 Plaintiffs bring these wrongful death claims to recover for the deaths of two
36 fire fighters on or about July 10, 2001 in the "Thirtymile fire," which occurred in
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38
39

NOTICE OF REMOVAL
BY NASF- 2

Perkins Coie LLP
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Fax: (206) 359-9000

1 the Okanogan National Forest, in Okanogan County, Washington. Defendants are
2
3 alleged to be the manufacturers of fire shelters and associated instructions
4
5 allegedly used by decedents during the fire.
6

7 Copies of all pleadings served on NASF in the state court action are attached
8
9 as Exhibit A. Plaintiffs filed their complaint on July 9, 2004. No defendant named
10
11 in the action has yet filed an answer in state court.
12

13 II. BASIS FOR REMOVAL

14
15 There are two independent bases for removing this case to federal court.
16
17 First, this action is removable under 28 U.S.C. § 1441(a), because this Court would
18
19 have had original diversity jurisdiction over plaintiffs' claims pursuant to 28
20
21 U.S.C. § 1332. Second, this action is removable under 28 U.S.C. § 1442(a),
22
23 because one or more defendants acted as an officer of the United States or under
24
25 such an officer and under color of a federal office when they performed the acts
26
27 alleged by plaintiffs to give rise to liability.
28

29 A. This Action May Be Removed Under 28 U.S.C. § 1332 and 30 § 1441(a) Because of the Presence of Diversity of Citizenship.

31
32 This action is removable under 28 U.S.C. § 1441(a), because this Court
33
34 would have had original diversity jurisdiction over plaintiffs' claims pursuant to 28
35
36 U.S.C. § 1332 had plaintiffs elected to file the action initially in federal court.
37

38 Plaintiffs KATHIE FITZPATRICK, RICK JOHNSON, and JODY GRAY,
39

1 are residents of Washington. Plaintiffs KATHIE FITZPATRICK and JODY
2
3 GRAY, in their capacity as personal representatives of decedents, who were
4
5 residents of Washington, are likewise deemed to be residents of Washington. *See*
6
7 28 U.S.C. § 1332(c)(2). Plaintiffs are therefore all citizens of Washington.
8

9 At the time of filing and of this action and as of the date of this removal, all
10
11 defendants were citizens of states other than the state of Washington. For diversity
12
13 purposes, a corporation is deemed to be a citizen of its state of incorporation and
14
15 the state where it has its principal place of business. *See* 28 U.S.C. § 1332(c)(1).
16
17 Defendant NASF is incorporated in and has its principal place of business in the
18
19 District of Columbia. Defendant Anchor Industries, Inc., is incorporated in Indiana
20
21 and has its principal place of business in Indiana. Defendant Weckworth
22
23 Manufacturing, Inc. is incorporated in Kansas and has its principal place of
24
25 business in Kansas. Defendant Weckworth-Langdon is an operational name for
26
27 Weckworth Manufacturing, and Weckworth-Langdon therefore has the same
28
29 citizenship as Weckworth Manufacturing. Defendants International Cases and
30
31 Mfg. and Siltan Company have not been served in this action as of the date of
32
33 filing of this notice of removal. Both International Cases and Mfg. and Siltan
34
35 Company are incorporated in and have their principal place of business in
36
37 California.
38

39 Plaintiffs identifies as JOHN C. DOE 1-10 and defendants identified as

1 “JOHN DOES 1-10” are fictitious names and are disregarded for purposes of
2
3 diversity jurisdiction. *See* 28 U.S.C. § 1332(a).
4

5 Consequently, all defendants are citizens of states other than the state of
6
7 citizenship of plaintiffs, and there is complete diversity.
8

9 According to the Complaint, plaintiffs seek general, special, and punitive
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11 damages for personal injuries and wrongful death, as well as attorneys’ fees and
12
13 court costs. Complaint ¶¶ 4.1, 4.2, 4.3, and V. Because of the nature of these
14
15 claims, the amount in controversy exceeds \$75,000, exclusive of interest and costs.
16

17 **B. This Action May Be Removed Under 28 U.S.C. § 1442(a) Because**
18 **One or More of the Defendants Were Acting as Federal Officers**
19 **or Under a Federal Officer and Under Color of a Federal Office.**
20

21 28 U.S.C. § 1442(a) provides a second, independent basis for removal
22
23 jurisdiction, because defendant NASF allegedly acted under an officer of the
24
25 United States under color of such office. *See* 28 USC § 1442(a)(1); *see also* .
26
27 *Magnin v. Teledyne Continental Motors*, 91 F.3d 1424 (11th Cir. 1996). Plaintiffs
28
29 allege that defendant NASF is liable for acts or omissions related to the
30
31 instructions that accompanied the fire shelters at issue in this case. Specifically,
32
33 plaintiffs allege that defendant NASF was “involved in preparing instructions
34
35 which accompanied the fire shelters [which] . . . were inadequate, erroneous,
36
37 unreasonable, and dangerous,” and base their products liability, negligence, and
38
39 wrongful death claims on those instructions. Complaint ¶¶ 1.9, 3.1, 3.2, 3.3.

1 **1. Defendant NASF Acted Under a Federal Officer and Has a**
2 **“Colorable Federal Defense” to Plaintiffs’ Claims.**

3
4 Removal under 28 U.S.C. § 1442(a)(1) is proper first because defendant
5
6 NASF was acting as a federal officer or under a federal officer and has a “colorable
7
8 federal defense” to the above claims. *See Mesa v. California*, 489 U.S. 121 (1989).
9

10 NASF is a nonprofit corporation composed of the forestry officials from all
11
12 U.S. states and territories. Under authority of the Cooperative Forest Assistance
13
14 Act of 1978, 16 U.S.C. §§ 2101-2111 (2000) and other federal regulations, NASF
15
16 provided state representation to a federally chartered organization made up almost
17
18 exclusively of federal agencies, the National Wildfire Coordinating Group
19
20 (NWCG). The United States Secretaries of Agriculture and Interior established the
21
22 NWCG in 1976 to provide “leadership for a seamless response to wildland fire
23
24 across the nation.” NWCG Organization Bylaws and Operating Principles.
25
26 Among other areas, the NWCG “provides a formalized system to agree upon
27
28 standards of training [and] equipment.” *Id.* The instructions that plaintiffs claim
29
30 were deficient were promulgated by the NWCG in execution of its federally
31
32 mandated role of providing a uniform response to wildland fire.
33

34 Any involvement that defendant NASF may have had in the development of
35
36 the allegedly defective instructions accompanying the fire shelters referred to in
37
38 plaintiffs’ claims was limited to its participation in NWCG activity regarding such
39

1 instructions. Such activity was undertaken, if at all, under the direction of and in
 2 conjunction with federal agency representatives on the NWCG. As a result, NASF
 3 has a colorable federal defense of sovereign or official immunity for its role in the
 4 development of the instructions plaintiffs allege to be defective. *See Pani v.*
 5 *Empire Blue Cross Blue Shield*, 152 F.3d 67 (2d Cir. 1998).
 6
 7
 8

9
 10
 11 **2. There is "Causal Nexus" Between Plaintiffs' Claims and the**
 12 **Acts Defendant NASF Performed "Under Color of Federal**
 13 **Office".**
 14

15 Second, removal under 28 U.S.C. § 1442(a)(1) is proper because there is a
 16 "causal nexus" between plaintiffs' claims and the acts NASF performed "under
 17 color of federal office." *Arness v. Boeing North American, Inc.*, 997 F. Supp.
 18 1268, 1271 (C.D. Cal. 1998) (quoting *Fung v. Abex Corp.*, 816 F.Supp. 569, 571-
 19 72 (N.D.Cal.1992)). Specifically, any role that defendant NASF had in the
 20 development of the instructions for the fire shelters at issue in this case arose from
 21 its statutorily authorized participation in the NWCG, a federally created
 22 organization performing a federal function as described above. Plaintiffs' claims
 23 against defendant NASF arise solely from its alleged participation in preparing
 24 those fire shelter instructions, which they allege to be "inadequate, erroneous,
 25 unreasonable, and dangerous." Complaint ¶ 1.9. Accordingly, there is sufficient
 26 nexus between plaintiffs' claims and defendant NASF's actions under color of
 27 federal office to support removal under 28 U.S.C. § 1442(a)(1).
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1 **3. The Same Considerations Support Removal by Anchor**
2 **Industries and Weckworth Manufacturing.**

3
4 Removal under 28 U.S.C. § 1442(a)(1) is proper for those defendants also,
5
6 because the they allege that the acts at issue that they performed were done “under
7
8 color of federal office,” because there is a “causal nexus” between plaintiffs’
9
10 claims and the acts those defendants are alleged to have performed, and because
11
12 they have a “colorable federal defense” to those claims. Both Anchor and
13
14 Weckworth manufactured fire shelters under contract to the federal government
15
16 and allege that they did so in accordance with reasonably detailed specifications
17
18 provided by the federal government.

19
20 Anchor and Weckworth further allege that those activities were performed
21
22 by them under close government supervision, pursuant to comprehensive and
23
24 detailed contract specifications provided by the United States and its officers, so
25
26 that the two companies was thus "acting under" an officer or agency of the United
27
28 States within the meaning of 28 U.S.C. § 1442(a)(1). Anchor’s and Weckworth’s
29
30 actions during each stage of fire shelter manufacture are inseparable from invasive
31
32 government regulation and oversight, and a clear nexus exists between their
33
34 actions at the direction of the government and plaintiffs’ claims for relief.

35
36 Consequently, Anchor and Weckworth both invoke the "government
37
38 contractor defense" as stated in *Boyle v. United Technologies, Inc.*, 487 U.S. 500
39

1 (1988). This defense requires proof of three elements, all present in this case.
2
3 First, as discussed *supra*, Anchor and Weckworth allege that the United States
4
5 approved reasonably precise specifications for the fire shelters. Second, they
6
7 allege that the fire shelters conformed to those specifications. Third, both Anchor
8
9 and Weckworth allege that they never failed to warn the government about the
10
11 dangers associated with the fire shelters that were known to them but not to the
12
13 government. Accordingly, both Anchor and Weckworth have each asserted a
14
15 "colorable" defense under federal law, and both are entitled to remove this case
16
17 under 28 U.S.C. § 1442.

18 19 **III. CO-DEFENDANTS' JOINDER IN REMOVAL**

20
21 NASF is informed that co-defendants International Cases and Mfg. and
22
23 Siltan Company have yet to be served with the summons and complaint in this
24
25 matter and therefore do not have to join in the removal on diversity grounds.
26
27 Defendants Anchor Industries Inc., Weckworth Manufacturing, Inc., and
28
29 Weckworth-Langdon join in this removal on both diversity and federal officer
30
31 grounds, and each will contemporaneously file a joinder in this notice of removal.
32

33 **IV. INTRADISTRICT ASSIGNMENT**

34
35 Because this Court is the United States District Court for the district and
36
37 division embracing the place where the state court action is pending, it is the
38
39 appropriate court for removal. *See* 28 U.S.C. §§ 1441(a).

V. TIMELINESS OF REMOVAL

NASF was served with a summons and complaint in this action on October 5, 2004 and was the first-served defendant. NASF is informed that co-defendants Anchor Industries Inc., Weckworth Manufacturing, Inc., and Weckworth-Langdon, were served with the summons and complaint on or after October 5, 2004. NASF is informed that co-defendants International Cases and Mfg. and Sifton Company have yet to be served with the summons and complaint in this matter.

Consequently, by removing this case to federal court within thirty days of October 5, 2004, NASF has timely removed this action within the thirty-day period contained in 28 U.S.C. § 1446(b).

VI. PLEADINGS IN THE STATE COURT ACTION

Copies of all pleadings served on NASF in the state court action are attached hereto as Exhibit A. No defendant named in the action has yet filed an answer in state court. A copy of this notice has been served on all parties of record and will be filed with the Clerk of the Superior Court for Yakima County.

/ / /

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/ / /

NOTICE OF REMOVAL
BY NASF- 10

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

VII. CONCLUSION

For the reasons stated above, NASF respectfully requests that the above-entitled action be removed from the state court in which it was filed to the United States District Court in and for the Eastern District of Washington.

DATED this 2nd day of November, 2004.

PERKINS COIE LLP

By


W. Brendan Murphy, WSBA #34476

James R. Johnston, WSBA #8744

Attorneys for Defendant National Association
of State Foresters

[SL043040.005/56808-0001]

1 James R. Johnston
2 W. Brendan Murphy
3 PERKINS COIE LLP
4 1201 Third Avenue, Suite 4800
5 Seattle, WA 98101-3099
6 (206) 359-8000

7
8 Attorneys for Defendant
9 National Association of State Foresters

10
11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF WASHINGTON
13

14 KATHIE FITZPATRICK, individually
15 and as personal representative of the
16 Estate of Karen L. Fitzpatrick; RICK
17 JOHNSON, individually, and JODY
18 GRAY, individually and as personal
19 representative of the Estate of Jessica
20 Johnson; and JOHN C. DOE 1-10,

21
22 Plaintiffs,

23
24 v.
25

26 ANCHOR INDUSTRIES, INC., an
27 Indiana business entity; WECKWORTH
28 MANUFACTURING, INC., a Kansas
29 business entity; WECKWORTH-
30 LANGDON, a Kansas business entity;
31 INTERNATIONAL CASES AND
32 MFG., a California business entity;
33 SILTON CO., a California business
34 entity; NATIONAL ASSOCIATION OF
35 STATE FORESTERS, a national
36 association; and JOHN DOES 1-10,

37
38 Defendants.
39

NO.

VERIFICATION OF STATE
COURT RECORDS

VERIFICATION OF STATE
COURT RECORDS - 1

Ex. A

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 350-0000

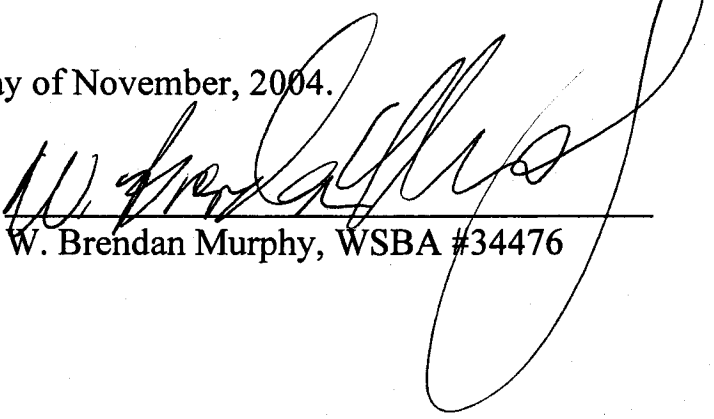
1
2
3 W. Brendan Murphy declares:
4

5 1. I am an attorney representing defendant National Association of State
6 Foresters herein.
7

8
9 2. The attached are true and complete copies of all pleadings, orders and
10 other records and proceedings that were filed in the Superior Court of the State of
11 Washington for Yakima County in Cause No. 04 2 02316 4, entitled "Kathie
12 Fitzpatrick, et al. v. Anchor Industries, Inc., et al.," and includes copies of all
13 process, pleadings and orders served upon this defendant.
14
15
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19
20 **I declare under penalty of perjury that the foregoing**
21 **is true and correct.**

22
23 EXECUTED this 3rd day of November, 2004.
24

25
26 
27 W. Brendan Murphy, WSBA #34476
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FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:16AM P1

RECEIVED

23 JUL 9 PM 3 36

KIM M. EATON
EX OFFICIO CLERK OF
SUPERIOR COURT
YAKIMA, WASHINGTON

FILED
JUL 09 2004

KIM M. EATON, YAKIMA COUNTY CLERK

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR YAKIMA COUNTY

KATHIE FITZPATRICK, individually and as
personal representative of the Estate of Karen L.
Fitzpatrick; RICK JOHNSON, individually, and
JODY GRAY, individually and as personal
representative of the Estate of Jessica Johnson;
and, JOHN C. DOE 1-10,

Plaintiffs,

v.

ANCHOR INDUSTRIES INC., an Indiana
business entity; WECKWORTH
MANUFACTURING, INC., a Kansas business
entity; WECKWORTH-LANGDON, a Kansas
business entity; INTERNATIONAL CASES
AND MFG., a California business entity;
SILTON COMPANY, a California business
entity; NATIONAL ASSOCIATION OF
STATE FORRESTERS, a national association;
and JOHN DOES 1-10,

Defendants.

NO. 04 2 02316 4

SUMMONS

TO THE DEFENDANTS: A lawsuit has been started against you in the
above-entitled court by the above named Plaintiffs. Plaintiffs claim is stated in the written
Complaint, a copy of which is served upon you with this Summons.

SUMMONS - 1 of 3

0
(summons)

LAW OFFICE
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DANIEL LLP
1201 PACIFIC AVENUE, SUITE 1900
PORT OF THE BAY 100
YAKIMA, WASHINGTON 98901-1107
(509) 425-4200 • FACSIMILE (509) 425-4201

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:16AM P2

1 In order to defend against this lawsuit, you must respond to the Complaint by stating
2 your defense in writing, and by serving a copy upon the person signing this Summons within
3 20 days after the service of this Summons within the State of Washington or 60 days if served
4 outside of the State of Washington, excluding the day of service, or a default judgment may
5 be entered against you without notice. A default judgment is one where Plaintiff is entitled to
6 what they ask for because you have not responded. If you serve a notice of appearance on the
7 undersigned attorney, you are entitled to notice before a default judgment may be entered.

8
9 You may demand that Plaintiffs file this lawsuit with the court. If you do so, the
10 demand must be in writing and must be served upon the person signing this Summons.
11 Within 14 days after you serve the demand, the Plaintiffs must file this lawsuit with the court,
12 or the service on you of this Summons and Complaint will be void.

13
14 If you wish to seek the advice of an attorney in this matter, you should do so promptly
15 so that your written response, if any, may be served on time.

16 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
17 State of Washington.

18 Dated this 9 day of July, 2004.

19 GORDON, THOMAS, HONEYWELL, MALANCA,
20 PETERSON & DAHEIM LLP

21 By _____
22 John R. Connelly, Jr., WSBA No. 12183
23 Lincoln C. Beauregard WSBA No. 32878
24 Attorneys for Plaintiffs
25
26

SUMMONS - 2 of 3
0
[summons]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
1001 PACIFIC AVENUE, SUITE 2100
PORT OFCE BOX 1101
SEACON, WASHINGTON 98291-1101
206-426-4100 - FAKSABLE 206-426-4101

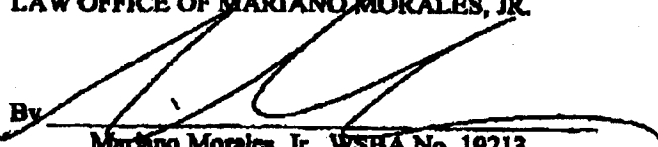
FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:16AM P3

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LAW OFFICE OF MARIANO MORALES, JR.

By 

Mariano Morales, Jr., WSHA No. 19213
Attorneys for Plaintiffs
3907 Summitview Ave., Ste. B
Yakima, WA 98902
509-972-0493

SUMMONS - 3 of 3

0

[REDACTED]

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & CAHILL LLP
1801 PACIFIC AVENUE, SUITE 2100
PORT OFRICE BOX 1100
TACOMA, WASHINGTON 98401-1100
(206) 426-0000 • FACSIMILE (206) 426-0000

17

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:17AM P4

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

KATHIE FITZPATRICK, individually and as
Personal representative of the Estate of Karen
L. Fitzpatrick; Rick Johnson, individually, and
JODY GRAY, individually and as personal
Representative of the Estate of Jessica Johnson
And, JOHN C. DOE 1-10,

Plaintiffs,

v.

ANCHOR INDUSTRIES INC., an Indiana business
Entity; WECKWORTH MANUFACTURING, INC.)
A Kansas business entity; WECKWORTH - LANG-
DON, Kansas business entity; INTERNATIONAL)
CASES AND MFG., a California business entity;)
SILTON COMPANY, a California business entity;)
NATIONAL ASSOCIATION OF STATE)
FORRESTERS, a national association; and JOHN)
DOES 1-10,

Defendants.

NO:

DECLARATION OF FAX
FILING

UNDER PENALTY of perjury under the laws of the state of Washington, I, SUE
RADKE, do hereby declare that the following is true and correct:

FITZPATRICK, JOHNSON VS.
ANCHOR INDUSTRIES, ET AL

LAW OFFICES OF MARIANO MORALES JR., P.S.

Mariano Morales Jr., Attorney
3907 Summitview Ave., Suite
Yakima, WA 98902
Telephone (509) 972-0493
Facsimile (509) 972-0489

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:17AM P5

1 Pursuant to GR 17, I have examined the THE SIGNATURE PAGE OF THE SUMMONS
2 in the above matter. It consists of three (3) pages including this declaration and it is complete
3 and legible.

4 DATED this 9th day of July, 2004
5
6
7
8
9

10 

11 SUE RADKE

12 Law Office of Mariano Morales Jr.
13 3709 Summitview Ave., Suite B
14 Yakima, WA 98902
15 Phone 509-972-0493
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FITZPATRICK, JOHNSON VS.
ANCHOR INDUSTRIES, ET AL

LAW OFFICES OF MARIANO MORALES JR., P.S.

Mariano Morales Jr., Attorney
3907 Summitview Ave., Suite
Yakima, WA 98902
Telephone (509) 972-0493
Facsimile (509) 972-0493

FROM : ROYCE ENTERPRISES

FAX NO. : 15094524987

Nov. 03 2004 10:18AM P1

RECEIVED

2004 JUL 9 PM 3 36

KIM M. EATON
EX OFFICIO CLERK OF
SUPERIOR COURT
YAKIMA, WASHINGTON

FILED
JUL 09 2004

KIM M. EATON, YAKIMA COUNTY CLERK

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR YAKIMA COUNTY

KATHIE FITZPATRICK, individually and as
personal representative of the Estate of Karen L.
Fitzpatrick; RICK JOHNSON, individually, and
JODY GRAY, individually and as personal
representative of the Estate of Jessica Johnson;
and, JOHN C. DOE 1-10,

Plaintiffs,

v.

ANCHOR INDUSTRIES INC., an Indiana
business entity; WECKWORTH
MANUFACTURING, INC., a Kansas business
entity; WECKWORTH-LANGDON, a Kansas
business entity; INTERNATIONAL CASES
AND MFG., a California business entity;
SILTON COMPANY, a California business
entity; NATIONAL ASSOCIATION OF
STATE FORRESTERS, a national association;
and JOHN DOES 1-10,

Defendants.

NO. 04 2 02316 4

COMPLAINT FOR DAMAGES -
WRONGFUL DEATH

COME NOW the above-named Plaintiffs and through this Complaint and by way of
claim allego:

COMPLAINT FOR DAMAGES - WRONGFUL DEATH - 1 of 6

0
(product complaint)

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DANHEIM LLP
1811 PACIFIC AVENUE, SUITE 2100
PORT OLYMPIA, WA 98547
YAKIMA, WASHINGTON 98901
(509) 425-0000 • FACSIMILE (509) 425-0000